

Florida Senate approves Tri-Rail funding plan

The state Senate passed legislation funding South Florida's Tri-Rail and other passenger rail projects.

By Marc Caputo and Lee Logan

With surprising ease, the Florida Senate ended a special lawmaking session a day early Tuesday by approving 27-10 a package of train legislation designed to bail out South Florida Tri-Rail, kick-start a troubled Central Florida rail project and win billions of dollars in federal bullet-train money.

Gov. Charlie Crist said he'll eagerly sign the legislation that seemed in trouble just last week when lawmakers raised concerns about the expense, liability language in case of accidents and union jobs for the proposed SunRail commuter line in the Orlando area.

But the AFL-CIO struck a deal Tuesday with state transportation officials to keep federal railroad and labor job protections for some of its members, giving Democrats more of a reason to join with Republicans to successfully back the bill.

A key player: Sen. Jeremy Ring of Margate, who sponsored the bill and kept wooing fellow Democrats and the unions to his side.

Ring's pitch for the bill was all about jobs. Not only would construction workers and engineers find employment, he said, but the state's economy would be changed by a network of commuter, light and high-speed rail systems that would link the major urban areas of the state from Jacksonville to Miami to Orlando to Tampa.

"This will transform the future of Florida," Ring said. "Today, the Florida Senate took the bold step of planning for a 21st century transportation system."

But the legislation is only a first step.

Crist and legislative leaders hope that the bill will help persuade federal transit officials to look kindly on Florida's request for \$2.5 billion in federal stimulus money to help build a bullet train.

Over and over again, state lawmakers said federal officials told the state that it "needs to get its act together" on commuter rail. The feds haven't promised the money. But federal officials did threaten to take back about \$256 million in federal money for Tri-Rail if it cut back on services due to budget cuts.

The legislation is divided into three major parts that establish a new rail oversight “enterprise” at the Department of Transportation, give Tri-Rail up to \$15 million more annually and give taxpayer-backed liability protections to the freight carrier CSX, which is selling 61 miles of tracks to the state for the SunRail project.

That last issue, liability for CSX, was a deal-breaker in the Florida Senate for the past two years as Sen. Paula Dockery, R-Lakeland, hammered home the difficulties of protecting a private company from being held liable in case of accidents. She also has described the \$1.2 billion deal for a rail system serving 3,500 riders as a “boondoggle” and a case of corporate welfare.

Dockery, a backer of rail systems in general, also took issue with the idea that jobs would be created by the legislation. She pointed out that Tri-Rail perpetually runs in deficit.

“So we didn't solve Tri-Rail's problems because we only gave them \$15 million. They needed more. We didn't solve the taxpayers' problem because we're paying too much for this [SunRail] project. And high speed rail really needed nothing coming out of this session,” said Dockery, who is running for governor.

In the end, legislative leaders insisted that CSX pick up some liability in the case of an accident. However, some say it isn't enough. A Fort Lauderdale widow, Angel Palank, testified throughout the special session that CSX had a history of shoddy maintenance practices that led to the death of her husband, Miami police officer Paul Palank, in a 1991 South Carolina derailment. Palank ultimately won \$50 million in a lawsuit.

But, under the bill, such jury awards would be tougher to come by for victims' families, she said.

At times, the legislation seemed cursed. Black lawmakers were angered when the special session interfered with a long-planned national conference they were hosting in Fort Lauderdale last week.

Then Rep. Baxter Troutman said he wouldn't vote on the legislation because it posed a conflict of interest for a family company controlled by his estranged cousin, Sen. J.D. Alexander. Both are Polk County Republicans. Alexander secured a Senate general counsel's opinion Tuesday telling him he could vote on SunRail, although the deal could benefit his family's railroad warehousing business.

Throughout, the unions threatened to scuttle the deal.

House Speaker Larry Cretul, whose chamber easily passed the bill Monday, credited Crist with playing an “instrumental” role with the AFL-CIO, which wanted about 184 Tri-Rail and SunRail union members to keep federal pension benefits and job protections, which include the right to raise safety concerns without the risk of getting fired.

Crist simply said he was “pleased” that the legislation passed. “It really thrusts Florida into the future.”

Late Tuesday, Crist phoned U.S. Sen. George LeMieux to ask him to lobby U.S. Department of Transportation Secretary Ray LaHood on Florida's behalf.

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